

REMARKS

Claims 1-12 and 29-43 are pending. Applicants request reconsideration in light of the following remarks.

Applicants' attorney Ted C. Gillespie was contacted by Examiner Le approximately January 19, 2003, inquiring as to whether Applicants intended to abandon the present application, since no response had been made to an office action dated June 19, 2002. Unfortunately, neither Applicants nor their attorney ever received the June 19th office action. Without a response, the present application became abandoned on January 19, 2003. Applicants are including with this response a petition to revive the present application under 37 CFR 1.137(a) as being unavoidable.

Applicants hereby reiterate the election of claims 1-12. Claims 13-28 have been canceled without prejudice or disclaimer. New claims 29-43 have been added. Favorable reconsideration of claims 1-12 and 29-43 is respectfully requested in light of the following remarks. Applicants request withdrawal of the outstanding objections and rejections, and allowance of the remaining claims.

In the office action, the Examiner objected to the specification due to a misdescriptive title. Applicants have amended the title, thereby obviating the objection.

In the office action the Examiner objected to claim 1 for claiming "The method" rather than "A method". Applicants have corrected this informality by amending claim 1.

In the outstanding office action, the Examiner rejected claims 1-4 and 7-9 [presumably, the Examiner intended claims 7-10] under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,064,522 to Shaw et al. (hereinafter "Shaw"). Applicants contend that all the claims are patentable over Shaw, and request withdrawal of the rejection under 35 U.S.C. §102(b). Shaw teaches a

heterojunction solar cell formed from selenium as the p-type and CdSe as the n-type semiconductor. Next to the n-type CdSe layer is a transparent layer, the CdO, which is the only layer sputtered. The sputter cathode (source) is elemental Cd and the oxygen reacts with the sputtered Cd to make a stoichiometric ratio (1:1) of the transparent layer CdO. The CdO is not intentionally doped with any impurity dopant atoms but nevertheless comes out heavily "doped" (through intrinsic defects) n-type. This heavy negative-type doping is called "N+" in the patent. There is no mention anywhere in Shaw of nitrogen doping, even though the sputtering of the Cd occurs in a mixed gas of nitrogen and oxygen. All of the occurrences of "N" or "N+" in Shaw refer to negative-type or n-type doping, and not nitrogen. Shaw has no disclosure of any nitrogen doping, and therefore cannot anticipate Applicants' claims which define methods of making nitrogen-doped semiconductors and photovoltaic cells with a nitrogen-doped back coating layer. Further, the semiconductor layers disclosed in Shaw are not p-type conductivity (positive carrier type) layers. In view of any lack of disclosure of a nitrogen-doped semiconductor layer in Shaw, Applicants respectfully request withdrawal of the rejection of claims under 35 U.S.C. §102(b).

In the office action the Examiner rejected claims 5-6 and 10-11 [presumably, the Examiner intended claims 11-12] under 35 U.S.C. §103(a) as being made obvious by Shaw in combination with U.S. Patent No. 5,393,675 to Compaan (hereinafter, "Compaan"). Since claims 5 and 6 are dependent on claim 1, and since claims 11 and 12 are dependent on claim 7, for at least this reason, they should be patentable over the combination of Shaw and Compaan. Therefore, Applicants respectfully request withdrawal of the rejections of claims 5-6 and 11-12 under 35 U.S.C. §103(a).

In conclusion, Applicants respectfully request reconsideration and withdrawal of the objections and rejections of record, and allowance of all claims.